

**MINUTES OF THE  
CITY PLANNING COMMISSION  
DECEMBER 1, 2006  
J. MARTIN GRIESEL CONFERENCE ROOM  
TWO CENTENNIAL PLAZA – SUITE 700  
805 CENTRAL AVENUE**

**CALL TO ORDER**

Mr. Faux called the meeting to order at 9:02 a.m.

**Commission Members:**

***Present:*** Caleb Faux, Jacquelyn McCray, Milton Dohoney, James Tarbell, and Rainer vom Hofe

**Community Development and Planning Staff:** Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Felix Bere, and Caroline Kellam

**Law Department:**  
Julia Carney

**APPROVAL OF MINUTES**

Submission of the minutes from the November 17, 2006 Planning Commission meeting for approval.

<b>Motion:</b>	Ms. McCray moved approval of minutes.
<b>Second:</b>	Mr. vom Hofe
<b>Ayes:</b>	Mr. Faux, Ms. McCray, Mr. vom Hofe and Mr. Tarbell
<b>Nays:</b>	None, <b>motion carried</b>

**CONSENT ITEMS**

**ITEM #1** A report and recommendation on a Plat of Subdivision, Record Plat, for the Elizabeth T. Bley Subdivision, Phase 5, located east of Hackberry Avenue and north of E. McMillan Street in the neighborhood of East Walnut Hills.

**ITEM #2** A report and recommendation on dedicating, accepting and confirming the dedication of 0.659 acres and 0.134 acres of City-owned property to be added to the River Road public right-of-way.

**ITEM #3** A report and recommendation on authorizing the grant of a permanent private telecommunications easement through Clifton Avenue to the University of Cincinnati and to University Heights Community Urban

Redevelopment Corporation for locating and maintaining a telecommunications conduit and other necessary appurtenances.

- ITEM #4** A report and recommendation on authorizing the sale of City-owned real property located on the north side of Queen City Avenue, east of Tillie Avenue.
- ITEM #5** A report and recommendation on authorizing the sale of City-owned real property located on the southwest corner of Eastern Avenue and St. Peters Street.
- ITEM #6** A report and recommendation on authorizing the sale by bid of surplus City-owned real property located at 2821 Little Dry Run Road.
- ITEM #7** A report and recommendation on accepting and confirming the dedication of permanent easements to public use for construction, maintenance, repair and replacement of water mains, and water main appurtenances in accordance with plats designated as: “WSL #3458, Panther Creek Subdivision, Section 18, Town 3, Fractional Range 1, Miami Purchase, Delhi Township, Private Drive off of Panther Court” and “WSL #3351, Emerald Lakes, Phase II, Section 10, Town 2, Fractional Range 2, Green Township, Emerald Lakes Drive off of North Bend Road” and “WSL #3453, Legendary Ridge Subdivision, Phase I, Section 16, Town 1, Fractional Range 2, Miami Township, Private Drive 2 off of Macy Lane” and “WSL #3453, Legendary Ridge Subdivision, Phase I, Section 16, Town I, Fractional Range 2, Miami Township, Private Drive 3 off of Legendary Ridge Lane” and “WSL #3453, Legendary Ridge Subdivision, Phase I, Section 16, Town I, Fractional Range 2, Miami Township, Private Drive 1 off of Legendary Ridge Lane” and WSL #3451, Anderson Town Center, Anderson Township, Beechmont Avenue and Five Mile Road” and “CIN #162, Sonoma Hill, Section 23, Town 4, Range 2, Columbia Township, Sonoma court off of Duck Creek Road” and “WSL #3457, Pontius Pointe, Section 30, Town 3, Range 1, Delhi Township, Pontius Road”.

**Motion:** Ms. McCray moved approval of Consent Items #1 - #7.  
**Second:** Mr. vom Hofe  
**Ayes:** Mr. Faux, Ms. McCray, Mr. vom Hofe and Mr. Tarbell  
**Nays:** None, **motion carried**

## **DISCUSSION ITEMS**

- ITEM #8** A report and recommendation on a zone change from PD Planned Development to CC-P Commercial Community - Pedestrian, CC-M Commercial Community - Mixed, and CG-A Commercial General - Auto at Planned Development District #32 (PD-32) in Oakley.

*Ms. Katherine Keough-Jurs, Senior Planner, presented this item.*

**GENERAL INFORMATION:**

**Location:** PD-32 is located in the vicinity of Marburg, Ridge, Alamo and Ibsen Avenues in Oakley.

**Petitioner:** City of Cincinnati

**Purpose:** To apply a zoning designation prior to the expiration of Planned Development District #32 (PD-32) in February 2007.

**BACKGROUND:**

Planned Development District #32 (PD-32) was created on February 13, 2004, as a part of the current Zoning Code adoption. Under the previous zoning code, PD-32 was a Transitional (T) Zone District; on June 19, 2002, the properties were re-zoned from the R-5 Residential, M-2 Manufacturing and B-4 Business districts to R-5 (T), a Residential Transitional district.

The Transitional zone is a district that is not included in the new Code, and all Transitional zone designations were re-zoned as Planned Development (PD) Districts with the intention of studying each PD district to determine a more suitable permanent zoning classification. On January 20, 2006 City Planning Commission extended the concept approval for Planned Development Districts that lack final development plans for a period of one year to February 13, 2007 as permitted by Chapter 1429 Planned Development Districts of the Zoning Code.

**EXISTING CONDITIONS:**

The properties within the boundaries of PD-32 are located in the vicinity of Marburg, Ridge, Alamo and Ibsen Avenues in Oakley. The properties are a mixture of commercial and residential uses. Some commercial uses were constructed as commercial uses, such as those constructed as a part of the Center of Cincinnati development, among others. Other commercial uses, particularly those along Ridge Avenue, are operating in former residential structures. Some residential structures are in use as single-family homes. There are also several apartment buildings and a senior living facility.

The property surrounding the area for rezoning is as follows:

North: MG Manufacturing General

West: CG-A Commercial General - Auto

South: CG-A Commercial General - Auto

East: CG-A Commercial General – Auto, RMX Residential Mixed, and MG Manufacturing General

**PLANS:**

All properties in PD-32 are also located within the boundaries of the Oakley North Urban Renewal Plan, adopted in 2001 and amended in 2005 and 2006 to allow for the proposed Millworks development (also known as PD-36, located to the southwest of PD-32). According to the Long-Term Land Use Map for the Oakley North Urban Renewal Plan, the properties within PD-32 were proposed to be used for commercial, office, retail, hotel, and residential purposes.

**PUBLIC COMMENT:**

The Planning Staff held a public conference on this zoning study on July 18, 2006. The Oakley Community Council discussed this zoning study at their regular meeting on October 3, 2006. Planning Staff sent notice of this meeting to all property owners within PD-32 to update them on the recommendation and invite them to attend the meeting. After a presentation and questions, Oakley Community Council voted in support of the zone change, and asked Staff to work with property owners on Ibsen Avenue to further refine the boundaries of the CG-A, CC-M, and CC-P zoning districts.

**ANALYSIS OF THE PROPOSED CHANGE:**

Planning Staff analyzed the current uses and those recommended in the Oakley North Urban Renewal Plan and initially proposed only two zoning designations for this area: CG-A and CC-M. CG-A, the most intense commercial zone, was proposed for the properties in the Center of Cincinnati development (Petsmart, Steak n' Shake, Circuit City, and the vacant site formerly proposed for Expo). This designation was the most logical to propose, as these uses are textbook examples of the CG-A zone, namely regional-drawing centers of activity for which easy automobile access is necessary. CC-M was selected for the remainder of the properties because the CC-M promotes a mix of both pedestrian and auto-oriented, and new and old buildings.

Some property owners, such as those on Ibsen Avenue, were pleased with the change to the CC-M designation, recognizing that this area has a good chance of commercial redevelopment because of its adjacency to the proposed Kennedy Connector. However, some owners of residential properties expressed concern about wanting to continue to live in their properties and are not presently interested in selling to commercial developers. These differences of opinion sometimes occurred between property owners living on the same street. It was clear that a zoning designation that met both needs and provided property owners with flexibility was needed.

After additional discussion with property owners and a public presentation at an Oakley Community Council meeting, it was determined that a solution would be to rezone the north side of Alamo Avenue and west side of Ridge Avenue to CC-P instead of CC-M. CC-M only allows residential uses above the ground floor in mixed-use buildings. The CC-P zone allows residential uses outright. This means that existing residential uses, such as the Jerusalem Judson Meadows senior housing development and single or multi-family housing, can remain legal uses and even expand if necessary. This zone also encourages future commercial uses, so that property owners wishing to sell their properties can do so. In short, it offers the flexibility necessary to both groups.

## **CONCLUSIONS:**

1. The CG-A Commercial General – Auto District zoning is an appropriate designation for the property that is part of the Center of Cincinnati development, as its current character best fits that designation.
2. The CC-P Commercial Community – Pedestrian District zoning is an appropriate designation for the residential properties on the northern side of Alamo Avenue and the western side of Ridge Avenue. This designation will allow property owners to live in and expand their residential buildings but still have the flexibility to sell the property to a developer for future commercial uses if desired.
3. The CC-M Commercial Community – Mixed District zoning is an appropriate designation for the remainder of the property. This includes the property on Ibsen Avenue so that residents can have flexibility in the future sale of their property.
4. These zoning designations are consistent with the Oakley North Urban Renewal Plan, adopted in 2001 and amended in 2005 and 2006.

## **RECOMMENDATION:**

The staff of the Department of Community Development and Planning recommends that City Planning Commission take the following action:

**Approve** a zone change from PD Planned Development to CC-P Commercial Community - Pedestrian, CC-M Commercial Community - Mixed, and CG-A Commercial General - Auto at Planned Development District #32 (PD-32) in Oakley.

## **DISCUSSION**

Ms. Keough-Jurs gave a brief history of the proposal and presented a large map to illustrate the proposed zone changes. She also explained that some of the property on the southeast corner of the site would be used for future road expansion.

Mr. Dohoney asked if the property owners were aware that their property was being considered for the road expansion. Mr. Jeff McElravy, of the Economic Development Department, stated that final design work would be done in late June 2007 and then offers would be made to the property owners. Mr. Faux asked when completion of the construction was expected and Mr. McElravy answered the fall of 2008.

Mr. Scott Bihl, property owner, stated that he and his neighbors would like more communication from the City regarding zoning and future construction plans. He also said that after the future road construction his property would not be suitable for residential use.

Mr. Faux stated that residents would be able to request a zone change in the future if their circumstances changed and a more intense commercial zone would provide a better fit. Ms. Keough-Jurs added that she would not recommend CC-M zoning until remaining residents had moved.

**Motion:** Mr. Tarbell moved approval of Item #8  
**Second:** Ms. McCray  
**Ayes:** Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Tarbell and Mr. Dohoney  
**Nays:** None, **motion carried**

### **OTHER BUSINESS**

Mr. Faux stated that it had been over three years since the new Zoning Code was established. He said that he felt there should be a comprehensive review of any issues or problems with the Zoning Code. Ms. Margaret Wuerstle, Chief Planner, explained that although amendments had been made to the Code, there are still many amendments that have been requested that have not been addressed. At the request of Ms. McCray, Ms. Wuerstle stated that she would make a list of amendments that have been approved and also those that have yet to be addressed and present it to the City Planning Commission. She also stated that she felt that going forward it would be better if all the requested amendments were addressed in a more comprehensive manner instead of the piecemeal fashion that has been taking place.

Ms. Wuerstle stated that OKI was soliciting nominations for trustees, officers and Executive Committee members. The Planning Commission appointed Mr. Tarbell to be the Commission member to suggest nominations and then notify Ms. Wuerstle. The nominations were due by 4:00 P.M. on December 1, 2006. She explained the nomination process and informed the Planning Commission members that they also needed to nominate a Commission Member to sit on that Board. She stated that Mr. Tarbell currently represented the Planning Commission. Mr. Tarbell stated that he was willing to continue as the representative.

**Motion:** Ms. McCray moved approval of Mr. Tarbell's appointment to the OKI Board  
**Second:** Mr. Dohoney  
**Ayes:** Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Tarbell and Mr. Dohoney  
**Nays:** None, **motion carried**

Ms. Wuerstle stated that the Planning Commission members could submit additional nominations for at-large appointments if they desired. Mr. Tarbell added that he thinks that OKI is going to play a bigger role in the future in the Tri-state area and the City of Cincinnati has only minimal influence with only 2 seats. He suggested that nominees should be very interested in making a positive contribution to the Board.

### **ADJOURN**

**Motion:** Mr. Tarbell moved to adjourn  
**Second:** Ms. McCray

**Ayes:** Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Tarbell and Mr. Dohoney  
**Nays:** None, **motion carried**

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Margaret A. Wuerstle, AICP  
Chief Planner

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Caleb Faux, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_